

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



BARCLAYS CAPITAL INC., MERRILL LYNCH,
PIERCE, FENNER & SMITH INCORPORATED,
AND MORGAN STANLEY & CO.,
INCORPORATED,

Plaintiffs,

v.

THEFLYONTHEWALL.COM, INC.,

Defendant.

NOTICE OF APPEAL


Case No. 06 CV 4908 (DLC)

ECF CASE

Defendant Theflyonthewall.com, Inc. hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment entered March 22, 2010 for plaintiffs on the hot-news misappropriation claim, the award of attorneys' fees and prejudgment interest on the copyright claim, the Permanent Injunction dated March 18, 2010 as it relates to the hot-news misappropriation claim, and the Court's Opinion and Order dated March 18, 2010.

Dated: New York, New York
April 9, 2010

OSTRAGER CHONG FLAHERTY
& BROITMAN P.C.

By: 
Glenn F. Ostrager
Joshua S. Broitman

570 Lexington Avenue
New York, New York 10022-0899
(212) 681-0600

*Attorneys for Defendant
Theflyonthewall.com, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on the same date of execution of this Certificate, a copy of the foregoing **NOTICE OF APPEAL** was served by first class mail, postage prepaid, upon:

R. Bruce Rich, Esq.
Benjamin E. Marks, Esq.
Jonathan Bloom, Esq.
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153

Attorneys for Plaintiffs
Barclays Capital Inc, Merrill Lynch, Pierce,
Fenner & Smith Incorporated, and Morgan
Stanley & Co. Incorporated

Dated: New York, New York
April 9, 2010


Glenn F. Ostrager